

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

| | | |
|------------------------------------|---|----------------------------|
| Darlene V. Cronin, |) | |
| |) | C.A. No. 4:09-1042-HMH-TER |
| Plaintiff, |) | |
| |) | |
| vs. |) | OPINION AND ORDER |
| |) | |
| Michael J. Astrue, Commissioner of |) | |
| Social Security Administration, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on a motion for attorney’s fees pursuant to the Equal Access to Justice Act (“EAJA”). See 28 U.S.C. § 2412(d). Darlene V. Cronin (“Cronin”) initially requested attorney’s fees for services rendered in the above-captioned social security action in the amount of \$7,043.40 (calculated at \$163.42 per hour for 43.10 hours).¹ However, on January 22, 2010, the parties filed a stipulation providing that an award of \$5,500.00 is a reasonable attorney’s fee in this case. The court agrees that an award of \$5,500.00 is a reasonable attorney’s fee.

¹ “[A]ttorney’s fees under the EAJA are payable to the claimant, not the attorney” and “it is settled law that the attorney does not have standing to apply for the EAJA fees; that right belongs to the prevailing party.” Stephens v. Astrue, 565 F.3d 131, 137-38 (4th Cir. 2009) (internal quotation marks omitted).

Therefore, it is

ORDERED that Cronin's motion for attorney's fees, docket number 24, is granted and Cronin is awarded attorney's fees in the amount of \$5,500.00.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
January 26, 2010